



VI BRICS LEGAL FORUM

Building Legal Capacity for New Rule Based World Economic Order

RIO DE JANEIRO DECLARATION

October 16, 2019

1. We, the representatives of the legal communities of BRICS member states, steeped in the values and principles encapsulated in the concept of the Rule of Law and giving highest value to the fundamental guarantees of human dignity, liberty and equality which we believe can only be secured through sustainable and inclusive economic growth, having met in Rio de Janeiro, Brazil, from October 14 to 16, 2019, and having deliberated on various legal issues that impact the socio-economic activities, trade and dispute resolution, do resolve and declare that:
2. We acknowledge and support the objectives set out in the declarations signed by the BRICS heads of states, and reaffirm our commitment to work towards realization of these objectives by helping to create legal and policy frameworks having their basis in fairness, equality, and respect for social and human rights and the rule of law to support inclusive growth and sustainable development.
3. We acknowledge Brazilian Bar Association for hosting the VI BRICS Legal Forum, in which implementation of our past declarations took centre stage, and by transforming our collective learning, understanding and insights developed during the course of interactions in each of the jurisdictions, we have undertaken creation of BRICS Legal Forum led institutions to set up BRICS+ network of dispute resolution centers to cater to the needs and aspirations of emerging markets and developing countries.
4. Taking cognizance of developments around the globe where there is a marked emergence of tendencies that seek to replace the core ethos of multilateralism by self-serving unilateralism, having the potential to undermine and damage the concept of the global economic order based on fairness and inclusivity, we have considered and reaffirmed our commitment for helping create and strengthen a rule-based, fair, just and equitable democratic international trade and economic order based on principles of multilateralism and the Rule of Law that provides for sustainable development and inclusive growth, and in order to achieve that, amongst other things, focus on and help to create commercial and investment disputes resolution mechanisms and institutions which are fair, efficient representative and inclusive in their character and are more

suited to the economic needs, requirements and aspirations of BRICS and emerging markets and developing economies and would serve to create more opportunities and develop capacities for the legal professions in BRICS and the emerging world.

5. We recognize the urgent need to complete the project for the establishment of BRICS Dispute Resolution Centers within BRICS member states and accept and endorse the establishment pursuant to clause 2 of the Moscow Declaration (Moscow, 1 December 2017), of BRICS Dispute Resolution Centre for South Africa as proposed by the South African member institutions of this Forum under the auspices of the Arbitration Foundation of Southern Africa (AFSA), Johannesburg and for Brazil.

6. We recognize that the newly established Centers shall cooperate and collaborate with the other BRICS Dispute Resolution Centre for Russia, in Moscow, BRICS Dispute Resolution Centre for India, in New Delhi and with the BRICS Dispute Resolution Centre for China, in Shanghai under the umbrella rules and governing structures established by this Forum.

7. We acknowledge, pursuant to clause 2 of the Moscow Declaration (Moscow, 1 December 2017), that a Governing Board shall be established by BRICS Dispute Resolution Centers to provide at the earliest policy direction to the five (5) BRICS Dispute Resolution Centers, to formulate the BRICS Arbitration and Mediation Rules and to create a uniform criteria for the establishment of the BRICS Arbitrators and Mediators Panel and to further expand the institutional network by admitting dispute resolution centers from emerging markets and developing countries which subscribe to the BRICS network and to develop affiliation and admission criterion for the same.

8. We will work towards establishment of an institution on the lines of the BRICS+ Institute of Dispute Resolution for Emerging Markets and Developing Countries in accordance with the draft framework attached to this Declaration.

9. We recognize the importance of continuous interaction and exchange for further development of the BRICS Legal Forum. This will be achieved through discussions and consensus-based decision-making process. Further, we will conduct BRICS Legal Forum activities regularly through various committees of the BRICS Legal Forum to carry out the mandate of this declaration and previous declarations in a time-bound manner, more particularly to ensure that the BRICS + Network of ADR institutions is operationalized at the earliest. We will ensure that in all the activities and committees and task force created to carry out the work of the Legal Forum we will ensure fair representation of women lawyers, and will establish a section of Women Lawyers of BRICS.

10. We will also work towards urging our respective governments to ensure that there is reciprocity amongst BRICS countries for the purpose of recognition and enforcement of arbitration awards under various international conventions, including New York Convention.

11. We, as BRICS Legal Forum will actively promote non adversarial and cost effective and efficient methods of international commercial disputes resolution and will ensure that the BRICS + ADR network takes a lead in this.

12. We urge our respective governments to promote non adversarial methods of dispute resolution. We note that China and India have signed the Singapore Convention on Commercial Mediation. We urge governments of member states to enact appropriate legislative measures to provide for Enforcement of Mediation Awards.

13. We recognize that the BRICS is highly dynamic and evolution and change is the real strength of the BRICS and the leadership role it models for the emerging world. Therefore, constant exchange and flow of information is the key to the evolution of BRICS Legal Forum. We consider it essential that, all jurisdictions shall continue to proactively disseminate all information concerning changes in law and new developments, including any change in the legislative or constitutional framework of the constituent legal professional bodies which has any direct or indirect bearing on the functioning of the BRICS Legal Forum to ensure seamless functioning and continuity.

14. We recognize the need to collaborate and work together with other BRICS organs which have synergies with the work and objectives of the Legal Forum as also with other legal platforms both national, regional or multinational, to organize BRICS focused panels and sessions to spread awareness about the Legal Forum and the work it is doing, including in the sphere of dispute resolution.

15. We will take steps to achieve better coordination and integration in the BRICS activities framework and to ensure collaboration and interaction with other stakeholders and participation in meetings and events organized by them each year, such as BRICS Business Forum etc.

16. We applaud and acknowledge the efforts of our Russian constituents for organizing BRICS sessions on topics related to sports law and sports dispute resolution during the St Petersburg International Legal Forum, thereby creating awareness about the work, objective and relevance of the Forum and for this we thank the organizers of SPILF. We recognize the need to democratize the administration of international sports governing bodies and to make them more inclusive. Similarly, we recognize that there is a strong need to democratize the international sports disputes resolution mechanism and to develop capacities and dispute resolution institutions which are more inclusive, just and fair under the auspices of the BRICS Legal Forum.

17. Considering that the VI BRICS Legal Forum has been included in the official calendar of the BRICS agenda in Brazil in 2019, and considering that the V BRICS Legal Forum, held in Cape Town, in 2018, has been included in the official and sectoral meetings mentioned in the X BRICS summit Johannesburg declaration 2018, we will approach the Governments of our countries with the purpose to seek representation and participation of the BRICS Legal Forum representatives of the BRICS summit meetings.

18. We consider the creation of BRICS+ Network of Dispute Resolution Institutions as a historic and landmark development that merits mention and recognition in the BRICS Summit Declaration and authorize the host Brazil Bar Association (OAB) to work for its inclusion in the BRICS Summit declaration.

19. We resolve to constitute the working group of the future of the legal profession, that will have the role of studying the impacts of technology, soft skills and other important modern aspects in the legal community and make appropriate recommendations on any program or roadmap to be followed to prepare and equip legal professions in BRICS.

20. We are aware of the need to establish institutions and capacitating them in order to be able to implement our declarations and promoting the annual legal talent program for young lawyers and exchange of students and experts among BRICS member states. Taking the advantage of technology we will take steps to expand the reach and effectiveness of BRICS Legal Talent development by organizing programs in virtual spaces, through webinars, for example, giving more access to young lawyers that are not able to travel abroad.

21. We recognize the imperative of sustainable development, conducive trade environment free from corrupt tendencies in carrying out our mandate. Accordingly, we support initiatives aimed at dealing with crimes such as corruption, tax evasion, Money laundering and drugs and human trafficking. We urge our respective governments to implement/enact appropriate laws on General Tax Avoidance (GAAR) and to take all necessary and effective steps in dealing with economic offenders and to work with international community to ensure that proceeds of crime are tracked, frozen and repatriated.

22. We undertake to collaborate and assist in development and implementation of orientation programs to train lawyers, enforcement agencies and judicial personnel to combat transnational crimes, particularly those associated with drugs, money laundering, tax evasion, human trafficking and financing of terrorism.

23. We reiterate our resolution expressed in the previous declarations to enhance our cooperation in the area of cross-border family disputes resolution and custody of children for which we constituted a dedicated working group. We will encourage our member organizations to help provide access to legal services and legal aid to parties from BRICS countries in such family disputes.

24. Participants of the VI BRICS Legal Forum express gratitude to the host organization, the Brazilian Bar Association and the local host Rio de Janeiro Bar Association, and highly appreciate their efforts in organizing a very high-quality Forum both in terms of content and hospitality.

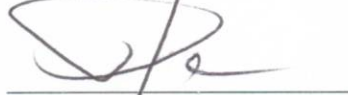
25. We also unanimously accept and endorse the proposal of Association of Lawyers of Russia to host the VII BRICS Legal Forum in 2020 in Russia during the time which will be additionally advised.

Federal Council of the Brazilian Bar Association

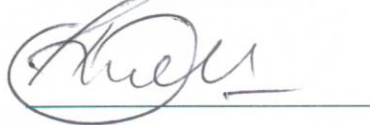
Marcus Vinicius Furtado Coelho



Claudio Lamachia



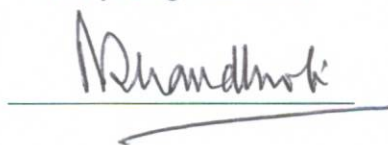
Association of Lawyers of Russia
Stanislav Alexandrov



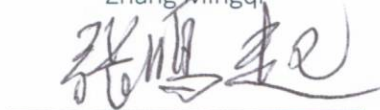
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